



Rights and Risks Analysis Group

C-3/441, Janakpuri, New Delhi-110058, India
Website: www.rightsrisks.org; Email: director@rightsrisks.org

15 June 2020

India: Media's Crackdown During COVID-19 Lockdown

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1. Crackdown for reporting COVID-19's worst humanitarian crisis is systematic

At 8 pm on 24 March 2020, Prime Minister Narendra Modi announced a nationwide lockdown for 21 days effective from 00 hrs of 25 March to combat spread of the COVID-19 pandemic in India. Since then, the lockdown was extended for the fourth time till 31 May and thereafter, lockdown restrictions are gradually been eased. This briefing paper examines the crackdown on the media for reporting during the lockdown.

In the best of circumstances with prior intimation and preparation, locking down 1.35 billion populations for 21 days is bound to create myriad problems. However, when lockdown is announced at 8 pm, when India had effectively shut most of the shops in the country, to be effective after four hours into the mid night, these myriad problems are bound to turn into massive humanitarian crisis. Neither the Central government of India nor the State governments were ready to deal with the real life problems of the populations, which included 453.6 million¹ migrant workers as per 2011 census, not to mention about 71.35 million people living in "extreme poverty"² i.e. hand to mouth as per estimates of the World Bank in 2018. Absence of food, shelter and opportunity to work as well as means of transport because of the lockdown created enormous suffering. The Supreme Court in its order dated 9 June 2020 noted, "*The society as a whole was moved by miseries and difficulties of migrant labourers*".³

Bringing news became a challenge in itself as the State governments across the spectrum cracked down on the media.

¹. India on the move: What data from Census 2011 show on migrations, The Indian Express, 26 July 2020, <https://indianexpress.com/article/explained/india-on-the-move-what-data-from-census-2011-show-on-migrations-5852540/>

². World Bank reports drop in number of people living in extreme poverty in India, but worldwide figures give cause for concern, First Post, 27 June 2018, <https://www.firstpost.com/india/world-bank-reports-drop-in-number-of-people-living-in-extreme-poverty-in-india-but-worldwide-figures-give-cause-for-concern-4607641.html>

³. SUO MOTU WRIT PETITION (CIVIL) No(s).6/2020 IN RE : PROBLEMS AND MISERIES OF MIGRANT LABOURERS



When writ petitions filed in public interest for redressal of grievances of migrant labourers in different parts of the country was considered by the Supreme Court of India on 31 March 2020, the Government of India prayed to suppress the freedom of opinion and expression relating to COVID-19 under the garb of “deliberate or inaccurate” reporting by the media, particularly web portals, having a “serious and inevitable potential of causing panic in larger section of the society”.⁴ It was obvious that the Government of India wanted media to toe its line.

The Supreme Court while rejecting the prayer of the Government of India on 31.03.2020 stated, “*We expect the media [print, electronic or social] to maintain a strong sense of responsibility and ensure that unverified news capable of causing panic is not disseminated. A daily bulletin by the Government of India through all media avenues, including social media and forums to clear the doubts of people, would be made active within a period of 24 hours as submitted by the Solicitor-General of India. We do not intend to interfere with the free discussion about the pandemic, but direct the media refer to and publish the official version about the developments*”.⁵

The judgment of the Supreme Court did not stop various State governments to clamp down on the journalists who acted as messengers by risking their lives to convey the news of various mismanagement, deficiencies, corruption, hunger of the migrant workers, lack of adequate PPE for doctors at hospitals, etc. As of 4 May 2020, nearly 100 journalists in India were reported to have been infected with the virus while on duty.⁶

Uttar Pradesh, Jammu and Kashmir and Himachal Pradesh went on a spree to register First Information Reports against the journalists. In West Bengal, journalists were warned to behave “properly” and threatened with action under the Disaster

4. Coronavirus | Supreme Court upholds right to discuss COVID-19, The Hindu, 31 March 2020, <https://www.thehindu.com/news/national/coronavirus-supreme-court-upholds-right-to-discuss-covid-19/article31218565.ece>

5. See order of the Supreme Court in *Alakh Alok Srivastava vs Union Of India* Writ Petition(s)(Civil) No(s).468/2020 dated 31 March 2020, <https://indiankanoon.org/doc/129422211/>

6. Coronavirus: How Covid-19 is ravaging India's newsrooms, BBC, 4 May 2020, <https://www.bbc.com/news/world-asia-india-52464029>



Management Act for allegedly publishing one-sided stories during the coronavirus outbreak.⁷ The Mumbai Police went to the extreme by issuing a gag order under section 144 of Criminal Procedure Code (CrPC) on 23 May 2020 “*prohibit(ed) any person inciting mistrust towards government functionaries and their actions taken in order to prevent spread of the COVID-19 virus and thereby causing danger to human health or safety or a disturbance to the public tranquility*”.⁸

On 13 May 2020, the Editors Guild of India expressed concern over “*a growing pattern of misuse of criminal laws to intimidate journalists in different parts of the country*”.⁹

Journalists belonging to prominent newspapers like *The Hindu*, *The Indian Express* and webportal like *The Wire* were targeted in the crackdown to suppress the truth.

A total of at least 55 journalists faced arrest, registration of FIRs, summons or show causes notices, physical assaults, alleged destruction of properties and threats for reportage on COVID-19 or exercising freedom of opinion and expression during the national lockdown from 25 March to 31 May 2020. The highest number of attacks in the media persons was reported from Uttar Pradesh (11 journalists), followed by Jammu & Kashmir (6 journalists), Himachal Pradesh (5), four each in Tamil Nadu, West Bengal, Odisha, Maharashtra, two each in Punjab, Delhi, Madhya Pradesh & Kerala and one each in Andaman & Nicobar Islands, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Karnataka, Nagaland and Telangana as given below.

UTTAR PRADESH

1. Siddharth Varadarajan (FIR)

7. 'Behave properly': Mamata Banerjee warns media, says journalists falling for BJP propaganda, India Today, 29 April 2020, <https://www.indiatoday.in/india/story/mamata-banerjee-on-media-bjp-fake-news-1672512-2020-04-29>

8. Mumbai Police Issues Gag Order, Declares Criticising Government a Crime, The Wire, 27 May 2020, https://m.thewire.in/article/rights/mumbai-police-gag-order-section-144/amp?_twitter_impression=true

9. The statement of the Editors' Guild of India, 13 May 2020 is available at <https://twitter.com/IndEditorsGuild/status/1260501321695854593/photo/1>



2. Prashant Kanojia (FIR)

3 to 6. Four journalists, Gopiganj police station, Bhadohi district of Uttar Pradesh (FIR)

7 to 8. Vijay Vineet and Subhash Rai (Notice)

9. Ravindra Saxena (FIR)

10. Manish Pandey (Notice)

11. Shri Aashish Avasthi, (FIR)

JAMMU & KASHMIR

12. Mushtaq Ahmad Ganai (arrest)

13. Masrat Zahra (FIR)

14. Gowhar Geelani (FIR)

15. Peerzada Ashiq (Notice)

16. Mushtaq Ahmad Ganai (torture)

17. Gowhar Ali Wani (FIR)

HIMACHAL PRADESH

18. Om Sharma (FIR)

19. Ashwani Saini (FIR)

20. Vishal Anand (FIR)

21. Jagat Bains (FIR)

22. Somdev Sharma (FIR)



TAMIL NADU

23. Damodharan (arrest)

24 to 26. Andrew Sam Raja Pandian, Jerald Aruldas and M Balaji (arrest)

WEST BENGAL

27 to 30. Bhupendra Pratap Singh, Abhishek Singh, Hemant Chowrasia and Ayush Kumar Singh (arrest)

ODISHA

31. Subrat Kumar Swain (Torture)

32 & 33. Attack on two journalists of Kanak News (assault)

34. Mahadev Nayak (illegal confinement)

MAHARASHTRA

35. Rahul Kulkarni, (arrest)

36. Rahul Zori (FIR)

37. Arnab Goswami (FIR), Maharashtra

38. Uttkarsh Chaturvedi (torture)

PUNJAB

39. Major Singh Punjabi (torture)

40. Jai Singh Chibber (FIR)



DELHI

41. Vinod Dua (FIR)

42. Mahender Singh Manral (Notice)

MADHYA PRADESH

43. Tansen Tiwari (FIR)

44. KK Saxena (FIR)

KERALA

45. Abhilash Padachery (arrest)

46. Sudhir Chaudhary (FIR)

ANDAMAN & NICOBAR ISLANDS

47. Zubair Ahmed (arrest)

ARUNACHAL PRADESH:

48. Tonga Mrina (threat)

ASSAM:

49. Manash Jyoti Baruah (Summon)

BIHAR

50. Pawan Chaudhary (arrest)

CHHATTISGARH

51. Neeraj Shivhare (Notice)



GUJARAT

52. Dhaval Patel (arrest)

KARNATAKA

53. Samrat Pradhan (torture)

NAGALAND:

54. Prasanjit Dutta (torture)

TELANGANA

55. Paramesh (damage to his property in retaliation for reportage)

2. Laws invoked against the media persons

The different provisions of laws invoked by the government against the journalists included the following:

- Sections 124A (sedition), 153A (promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) 182 (false information), 188 (disobedience to order duly promulgated by public servant), 269 (negligent act likely to spread infection of disease dangerous to life), 270 (malignant act likely to spread infection of disease dangerous to life), 294 (obscene acts and songs), 336 (endangering life or personal safety of others), 451 (house-trespass in order to commit offence punishable with imprisonment), 500 (defamation), 501 (printing or engraving matter known to be defamatory), 504 (intentional insult with intent to provoke breach of the peace), 505(2) (statements creating or promoting enmity, hatred or ill-will between classes) and 506 (punishment for criminal intimidation) of the Indian Penal Code;
- Sections 66 (computer related offences), 66A (punishment for sending offensive messages through communication service, etc), 67 (punishment for publishing or transmitting obscene material in electronic form), section 67A

(punishment for publishing or transmitting of material containing sexually explicit act, etc., in electronic form) of the Information Technology Act;

- Section 51 (punishment for obstruction) and Section 54 (punishment for false warning) of the Disaster Management Act, 2005;

- Sections 13 (punishment for unlawful activities) of the Unlawful Activities (Prevention) Act;

- Sections 192 (using vehicle without registration) and 196 (driving uninsured vehicle) of the Motors Vehicles Act; and

- Provisions of Scheduled Tribes/Scheduled Castes (Prevention of Atrocities) Act.

3. Crackdown on journalists during the lockdown

3.1 Arrest

Between 25 March to 31 May 2020, at least 10 journalists were arrested and four others were saved from being arrested by the Supreme Court for allegedly giving what the police/administration termed misinformation or spreading rumour about COVID-19, exposing alleged corruption, violating lockdown rules even the press is an essential service exempted under the lockdown, exposing shortage of food and personal protective equipment (PPE), tweets questioning why families were placed under home quarantine for merely speaking over the phone with COVID-19 patients, conducting sting operation to expose bribes etc.

Case 1: Pawan Chaudhary, Bihar

On 6 April 2020, Pawan Choudhary (30 years), a web journalist, was arrested in Munger in Bihar on the charges of spreading misinformation about death of COVID-19 patient. The Station House Officer of Jamalpur, Ranjan Kumar stated that the



journalist was found to be spreading rumours through his social media account. He was sent to judicial custody in Munger jail.¹⁰

Case 2: Damodharan, Tamil Nadu

On the night of 7 April 2020, a TV journalist named Damodharan who shot visuals of a pharmacy staff handing out medicines to patients without a doctor's consultation at the Minjur Primary Health Centre in Minjur in Tamil Nadu was branded a 'fake journalist' and arrested by the police. The police complaint against the journalist was filed by a doctor of the said PHC. The journalist was slapped with charges including cheating, forgery, and preventing a public servant from discharging his duty. Damodharan has been working with a leading South Indian network for the last 10 years.¹¹

Case 3: Mushtaq Ahmad Ganai, Jammu & Kashmir

On 11 April 2020, Mushtaq Ahmad Ganai (34 years), a prominent journalist working for the Srinagar-based English daily, *Kashmir Observer*, was arrested and detained for two days at Sumbal police station in Bandipore district of Jammu and Kashmir when he went there in his Alto car to report the violation of the lockdown. The police intercepted his car despite showing documents including his press card. At the police station, the Station House Officer (SHO) Muneeb-ul-Islam slapped him several times and another policeman accompanying the SHO beat him with his lathi. The police filed an FIR and booked him under charges which included "violating the lockdown rules" and "interfering in the professional work of the officials". The SHO also threatened to "fix" him. He was released only after securing bail from the court.¹²

¹⁰. Bihar: Journalist arrested for spreading rumours of a COVID-19 death in Jamalpur, UNI, 6 April 2020, <http://www.uniindia.com/bihar-journalist-arrested-for-spreading-rumours-of-a-covid-19-death-in-jamalpur/east/news/1944016.html>

¹¹. Scribe who exposed violations at PHC booked as fake journo?, The New Indian Express, 9 April 2020, <https://www.newindianexpress.com/cities/chennai/2020/apr/09/scribe-who-exposed-violations-at-phc-booked-as-fake-journo-2127664.html>

¹². Kashmir journalists continue to be harassed, summoned and intimidated, The Federal, 21 April 2020, <https://thefederal.com/states/north/jammu-and-kashmir/kashmir-journalists-continue-to-be-harassed-summoned-and-intimidated/>

Case 4: Rahul Kulkarni, Maharashtra

On 15 April 2020, the Mumbai Police arrested *ABP* News correspondent Rahul Kulkarni over his claim that the Railways would restart operations which the police alleged may have prompted gathering of hundreds of migrants outside the Bandra station in Mumbai, Maharashtra. Maharashtra on 14 April. Home Minister Anil Deshmukh stated that the police arrested journalist Rahul Kulkarni “for giving news report, due to which rumour was spread”.¹³ The journalist had tweeted an internal note of the Railways Ministry on a decision to run a “Jan Sadharan” train for migrants stranded by the lockdown which was issued after a meeting on April 13.¹⁴ On 19 April, the Mumbai Press Club condemned the arrest of Kulkarni calling it “*a serious infringement on the right of freedom of speech and this is nothing but an attack on the freedom of press*”. The statement said Kulkarni had reported on the possibility of the railways starting a few trains based “on verified internal communications of the railways department”.¹⁵

Case 5: Andrew Sam Raja Pandian, Jerald Aruldas and M Balaji, Tamil Nadu

On 23 April 2020, Andrew Sam Raja Pandian, founder of a portal called *SimpliCity* was arrested in Coimbatore in Tamil Nadu for filing news reports related to COVID-19. The news portal published two stories: one related to doctors facing shortage of food and personal protective equipment (PPE) kit at the Coimbatore Medical College Hospital; and the other report on how ration items were being diverted by employees of PDS shops. After the publication of the report, M. Sundararajan, Assistant Commissioner (Personal) of the Coimbatore Corporation, filed a complaint against the portal and its founder in a local police station saying the report was “false” and

¹³. Bandra migrant workers’ protest: Self-proclaimed labour leader, TV journalist arrested, Scroll.in, 15 April 2020, <https://scroll.in/latest/959223/bandra-gathering-man-arrested-for-threatening-protest-by-migrants-journalist-booked-for-false-news>

¹⁴. Bandra Chaos: “Activist” Arrested, Reporter Charged Over Railways “Note”, NDTV, 15 April 2020, <https://www.ndtv.com/india-news/coronavirus-lockdown-vina-dubey-who-allegedly-incited-migrants-to-gather-in-mumbai-bandra-arrested-2211970>

¹⁵. Covid-19 lockdown: Mumbai Press Club demands release of ABP journalist Rahul Kulkarni, Scroll.in, 19 April 2020, <https://scroll.in/latest/959591/covid-19-lockdown-mumbai-press-club-demands-release-of-abp-journalist-rahul-kulkarni>



‘provocative’ and that it would cause unrest amongst doctors and rations shop employees. Following this Pandian was questioned and later arrested under Sections 188 (disobedience to order promulgated by public servant), and 505(i) (statement conducting public mischief) of the IPC and Section 3 of the Epidemic Diseases Act.¹⁶ Before Pandian was arrested, the city police had detained the journalist and the photographer who had reported the stories, Jerald Aruldas and M Balaji respectively, for nine hours.¹⁷ Pandian was released on bail on April 28.¹⁸

Case 6: Zubair Ahmed, Andaman & Nicobar Islands

On 27 April 2020, Zubair Ahmed, a freelance journalist, was arrested by the police in Andaman & Nicobar for posting a tweet questioning why families were placed under home quarantine for merely speaking over the phone with Coronavirus patients. His tweet reportedly referred to a news article which reported that a family was quarantined as one of the members spoke to a COVID-19 positive person on phone. Dependra Pathak, DGP, A&N Administration stated that the journalist “posted an inciting, false and instigating tweet to disrupt public harmony, violating government order and to create panic among the public.” On 28 April, he was released on bail by a local court.¹⁹

¹⁶. Tamil Nadu Journalist Held For Reporting On Doctors Not Getting Food, PPE At Work, Outlook, 24 April 2020, <https://www.outlookindia.com/website/story/india-news-tamil-nadu-journalist-held-for-reporting-on-doctors-not-getting-food-ppe-at-work/351372>

¹⁷. Journalists Covering Pandemic Feel the Heat, Arrests and Interrogation, The Citizen, 3 May 2020, <https://www.thecitizen.in/index.php/en/NewsDetail/index/9/18693/Journalists-Covering-Pandemic-Feel-the-Heat-Arrests-and-Interrogation>

¹⁸. Journalists Covering Pandemic Feel the Heat, Arrests and Interrogation, The Citizen, 3 May 2020, <https://www.thecitizen.in/index.php/en/NewsDetail/index/9/18693/Journalists-Covering-Pandemic-Feel-the-Heat-Arrests-and-Interrogation>

¹⁹. Andaman Journalist Arrested For Asking Coronavirus-related Question On Twitter, Released On Bail, Outlook, 28 April 2020, <https://www.outlookindia.com/website/story/india-news-andaman-journalist-arrested-over-tweet-on-coronavirus-gets-bail/351639>



Case 7: Abhilash Padachery, Andaman & Nicobar Islands

On 1 May 2020, the National Investigation Agency (NIA) detained three youths, including a journalist, on the charges of having links with the Maoists in Kerala. Among the three youths included Kozhikode native Abhilash Padachery, an online journalist. The NIA claimed that they found several documents supporting Left-wing extremism and CPI (Maoist). Abhilash was let off on 1 May night but was summoned for questioning again on 2 May. Abhilash denied having any link with the Maoists.²⁰

Case 8: Dhaval Patel, Gujarat

On the night of 11 May 2020, the Gujarat Police arrested Dhaval Patel, editor of an online Gujarati news portal, *Face of Nation*, and booked him for sedition for allegedly publishing a speculative report on possible change in leadership due to criticism over rising number of COVID-19 cases in Gujarat. Dhaval Patel claimed that Union Minister Mansukh Mandaviya was summoned by the BJP high command and that he was likely to replace Gujarat Chief Minister Vijay Rupani.²¹ Dhaval Patel was booked under section 54 (Punishment for false warning) of Disaster Management Act, 2005 and section 124A (Sedition) of Indian Penal Code (IPC), after a police constable filed an FIR against him stating that the story was “baseless and amounted to create instability and atmosphere of fear in the State amid pandemic”.²² On 15 May, the Press Club of India condemned the police action as “shocking examples of suppression of the media”.²³

²⁰. NIA takes 3 Kerala youths into custody over alleged Maoist links, Manorama, 3 May 2020, <https://english.manoramaonline.com/news/kerala/2020/05/03/nia-nabs-three-youths-with-maoist-links.html>

²¹. Gujarat: Editor of news portal arrested for sedition over article on BJP changing CM, The Week, 12 May 2020, <https://www.theweek.in/news/india/2020/05/12/gujarat-editor-of-news-portal-arrested-for-sedition-over-article-on-bjp-changing-cm.html>

²². Gujarat Journalist Slapped with Sedition, Arrested for Speculative Story on CM's Replacement, NewsClick.in, 12 May 2020, <https://www.newsclick.in/Gujarat-Journalist-Dhaval-Patel-Sedition-Charge-COVID-19-Lockdown>

²³. Press Club of India Slams Police Action Against Gujarati Editor, FIRs Against Himachal Scribes, The Wire, 15 May 2020, <https://thewire.in/media/press-club-gujarati-editor-himachal>



Case 9: Bhupendra Pratap Singh, Abhishek Singh, Hemant Chowrasia and Ayush Kumar Singh, West Bengal

The Supreme Court had to restrain the state government of West Bengal and Maharashtra from arresting journalists. On 22 May 2020 the Supreme Court restrained the West Bengal Police from arresting five TV journalists who were booked in as many as five cases after they conducted a sting operation to show state ministers and TMC MLAs allegedly taking bribes. On 10 February 2020, the bench headed by Justice R Banumathi had stopped the state police from arresting journalists Bhupendra Pratap Singh, Abhishek Singh, Hemant Chowrasia and Ayush Kumar Singh but on the same day the police registered another case against these four journalists. Subsequently, another FIR was lodged against the four and another journalist Umesh Kumar Sharma on February 27. Taking note of this, the bench in its latest order gave the five journalists interim protection from arrest in all the cases arising out of the sting operation.²⁴

3.2 Registration of FIRs

First Information Reports (FIRs) were filed against at least 22 journalists under the IPC, Information Technology Act, Disaster Management Act, Motor Vehicles Act and Scheduled Tribes/Scheduled Castes (Prevention of Atrocities) Act, Unlawful Activities (Prevention) Act. The report by these journalists related to reporting starvation faced by the migrant workers, the failure of the administration to supply rations to migrant workers, gathering of the migrant workers, irregularities in the running of relief camps for migrants, mismanagement and negligence at quarantine centres, or simply reporting a minister following the suggestions of astrologers, using certain terms against the ruling party or criticising Chief Ministers.

Multiple FIRs were filed against some of them which show the resoluteness to intimidate and browbeat the journalists. Majority of the journalists were booked for their reportage on various issues of COVID-19.

²⁴. SC Restrains Bengal Police from Arresting 5 TV Journalists Booked for Sting Operation of TMC MLAs, News18, 22 May 2020, <https://www.news18.com/news/india/sc-restrains-bengal-police-from-arresting-5-tv-journalists-booked-for-sting-operation-of-tmc-mlas-2631255.html>



Case 1: FIR against a journalist after he tested COVID positive, Madhya Pradesh

On 27 March 2020, an FIR was lodged at Shyamla Hills Police Station in Bhopal, Madhya Pradesh, against journalist K K Saxena for having attended then Congress leader Kamal Nath last press conference as Chief Minister on 20 March despite her daughter being coronavirus suspect. Days after the press conference, the journalist and his daughter had tested COVID-19 positive after which case was registered against them. The journalist was booked under IPC sections 188 (disobedience to order duly promulgated by public servant), 269 (negligent act likely to spread infection of disease dangerous to life) and 270 (malignant act likely to spread infection of disease dangerous to life).²⁵

Case 2: Multiple FIRs against journalist Om Sharma, Himachal Pradesh

Three FIRs were registered against journalist Om Sharma (38 years), a reporter for *Divya Himachal*, for his reporting on the COVID-19 related issues. On 29 March 2019, the Himachal Pradesh Police filed FIR against Sharma for reporting live on Facebook from Baddi, an industrial town in Solan district of Himachal Pradesh, about hunger of the migrant workers who were protesting on the roadside. The FIR termed Sharma's reporting as "sensational/fake news on social media" and booked him under section 54 (Punishment for false warning) of the Disaster Management Act, 2005 and four sections of the Indian Penal Code: section 182 (false information), section 188 (disobedience to a public servant's order), section 269 (negligent act likely to spread infection of a dangerous disease,) and section 336 (endangering life or personal safety of others). Thereafter, the police lodged two more FIRs against Sharma during the lockdown. The second FIR against Sharma was registered on 26 April for merely sharing a report from the Hindi daily Amar Ujala on Facebook which claimed that the government had ordered businesses to close down for a few months in case any employee tested positive for the novel coronavirus. He was booked under Sections 182 and 188 IPC and Section 54 of the Disaster Management Act. The third FIR was filed a day later, on April 27 for criticizing the district administration of Solan for the confusion in shutting down shops and he was booked under Section 188 IPC and Section 66 of the Information Technology Act, 2000. Sharma stated that the FIRs were

²⁵. Journalist in Bhopal tests positive for coronavirus, attended Kamal Nath press conference, 25 March 2020, <https://www.newsland.com/2020/03/25/journalist-in-bhopal-tests-positive-for-coronavirus-attended-kamal-nath-press-conference>

filed because of the administration's desperation to suppress reporting on the failures of its Covid-19 strategy. Since the registration of the FIRs, his curfew pass was withdrawn and he could no longer report from the ground.²⁶

Case 3: FIR against news website The Wire and its editor, Uttar Pradesh

On 1 April 2020, the Uttar Pradesh Police in Faizabad registered an FIR against *The Wire* and its editor Siddharth Varadarajan²⁷, on the complaint of an individual under Sections 188 and 505 (2) of the Indian Penal Code for reporting that Chief Minister Adityanath had attended a public religious event in Ayodhya on March 25 after the Prime Minister had announced a national lockdown to deal with the coronavirus. Section 188 refers to disobedience of an order issued by a public servant and 505 (2) to "statements creating or promoting enmity, hatred or ill-will between classes". In a statement the Founding Editors of The Wire stated, "*A bare perusal of the FIR shows that the offences invoked are not even remotely made out and that it is aimed at stifling legitimate expression and factual information. The UP police seem to think its job is to go after those who criticise the CM. The registration of an FIR is a blatant attack on the freedom of the press.*"²⁸

Case 4: FIR against journalist Prashant Kanojia, Uttar Pradesh

On 7 April 2020, the Uttar Pradesh Police lodged an FIR against Delhi-based journalist Prashant Kanojia for allegedly making 'objectionable remarks' about Prime Minister Narendra Modi and Chief Minister Yogi Adityanath on social media. The case was lodged at the Ashiana police station in Lucknow on the basis of a complaint registered by local BJP leader Shashank Shekhar Singh. The journalist was charged under Indian Penal Code sections 500 (defamation), 501 (printing or engraving matter known to be defamatory) and 505(1)(b), which deals with offences committed with the

²⁶. Himachal Pradesh's journalists face FIRs, harassment for reporting on government failures, NewsLaundry, 2 May 2020, <https://www.newslaundry.com/2020/05/12/himachal-pradesh-journalists-face-firs-harassment-for-reporting-on-government-failures>

²⁷. See <https://scroll.in/latest/959221/drop-fir-against-the-wire-editor-covid-19-shouldnt-be-used-to-gag-press-say-over-3300-citizens>

²⁸. UP Police FIR Against The Wire an 'Attack on Freedom of the Press', The Wire, 1 April 2020, <https://thewire.in/media/up-police-fir-against-the-wire-an-attack-on-freedom-of-the-press>

intention to cause fear or alarm among the public, or induce people against the state and the Information Technology Act.²⁹

Case 5: Multiple FIRs against journalist Ashwani Saini, Himachal Pradesh

Five FIRs were registered against journalist Ashwani Saini in Mandi district of Himachal Pradesh. On 8 April 2020, Ashwani Saini, who contributes video reports for the Facebook page *Mandi Live* and freelances for *Dainik Jagran*, was booked under Section 188 of the Indian Penal Code and Section 54 of the Disaster Management Act for reporting on the failure of the administration to supply rations to migrant workers in Bharajwanoo village in the Sundernagar subdivision in Mandi district of Himachal Pradesh. In videos he shot for Mandi Live, workers told Saini that they had not received a second round of rations during the lockdown. The FIR was filed by Rahul Chauhan, the Sundernagar sub-divisional magistrate, who accused Saini of spreading “fake news”. Saini shot off letters to Prime Minister Narendra Modi and Chief Minister Jai Ram Thakur, accusing Chauhan of trying to “gag the press”. On 13 April, Saini was slapped with three more FIRs when he and another reporter from Divya Himachal did video reports on brick kilns in Sundernagar operating despite the lockdown. Following Saini’s reports, the police stopped the work at the kilns and filed FIRs against the kiln owners. But the police booked Saini under IPC Sections 451, 504, 506 and 188. Further, his car was seized by the local police on April 14 to deter him from traveling and reporting and he was booked for the fifth time under IPC Section 188, and Sections 192 and 196 of the Motor Vehicles Act, 1988.³⁰

Case 6: FIR against journalist Vishal Anand, Himachal Pradesh

In mid-April 2020, journalist Vishal Anand (49 years), who is associated with a national news channel, was accused of misrepresentation and booked by the local authorities in Dalhousie under Chamba district of Himachal Pradesh for using pictures of Gandhi Chowk in Dalhousie for a story on Covid-19 in Chamba district. There was

²⁹. UP: FIR against journalist for online post against PM, CM, The Indian Express, 8 April 2020, <https://indianexpress.com/article/cities/lucknow/up-fir-against-journalist-for-online-post-against-pm-cm-6352480/>

³⁰. Himachal Pradesh’s journalists face FIRs, harassment for reporting on government failures, NewsLaundry, 2 May 2020, <https://www.newslaundry.com/2020/05/12/himachal-pradesh-journalists-face-firs-harassment-for-reporting-on-government-failures>



no basis for the FIR as Dalhousie falls in Chamba district. Soon after the first FIR, he told a media outlet that lodging such complaints only indicated that “some officials are misusing power and trying to intimidate journalists” and for this comment, another FIR was filed against Anand.³¹

Case 7: FIR against four journalists, Uttar Pradesh

On 13 April 2020, an FIR was registered at the Gopiganj police station in Bhadohi district of Uttar Pradesh against four journalists and two others on the charges of spreading “fake news” about an incident in which a woman hurled her five children into a river. The editors of news agency IANS and Business Insider and the concerned reporters were mentioned in the FIR, though it did not identify them by name. The reports carried by these organisations had suggested that the woman took the extreme step because she could not find food for the children due to the lockdown against coronavirus. A case was registered under the Indian Penal Code, including section 505(1)(b) which deals with offences committed with the intention to cause fear or alarm among the public, or induce people against the state, and section 188 of the IPC (disobeying an order promulgated by a public servant). Two others, Saleem Akhtar and Hansraj Meena, have also been booked, accused of circulating the report on social media.³²

Case 8: FIR against freelance photojournalist Masrat Zahra, Jammu & Kashmir

On 18 April 2020, the Jammu and Kashmir Police booked Masrat Zahra (26 years), a freelance photojournalist, under the Unlawful Activities Prevention Act (UAPA) for her alleged “anti-national posts” in the social media. According to a police press release, the “Cyber Police Station received information through reliable sources that one Facebook user namely Masrat Zahra is uploading anti-national posts with criminal intention to induce the youth and to promote offences against public tranquility.” A case FIR No. 10/2020 U/S 13 UAPA and 505 IPC dated 18.04.2020 was registered

³¹. Himachal Pradesh's journalists face FIRs, harassment for reporting on government failures, NewsLaundry, 2 May 2020, <https://www.newslandry.com/2020/05/12/himachal-pradeshs-journalists-face-firs-harassment-for-reporting-on-government-failures>

³². UP police book journalist over ‘fake news’, Outlook, 13 April 2020, <https://www.outlookindia.com/newscroll/up-police-book-journalist-over-fake-news/1801266>



against Ms Zahra in Cyber Police Station, Kashmir Zone, Srinagar in Jammu and Kashmir. The Kashmir Press Club has condemned the case against her.³³

Case 9: FIR against journalist and author Gowhar Geelani, Jammu & Kashmir

On 21 April 2020, the Cyber Police Station Kashmir Zone booked journalist and author Gowhar Geelani for allegedly “indulging in unlawful activities” through social media that are “prejudicial to the national integrity, sovereignty and security of India”. The police alleged that Geelani had been glorifying terrorism in the Kashmir Valley through his social media posts and an FIR was registered against him at the Cyber Police Station in Srinagar.³⁴

Case 10: Multiple FIRs against reporter Jagat Bains, Himachal Pradesh

Three FIRs were registered against Jagat Bains (34 years), a reporter with *News18* Himachal, for his reporting on COVID-19 related issues including denial of ration to the migrant workers. On 30 March 2020, an FIR was filed against Jagat Bains for reporting on how rations were not reaching migrant workers in parts of Nalagarh subdivision in Solan district of Himachal Pradesh and his curfew pass was revoked. Another FIR was filed for his report dated 25 April about denial of rations to the migrant workers in Sallewal village under Nalagarh subdivision in Solan district. The report made desired impact as the district administration supplied ration the next day but Bains was booked under Sections 188, 269 and 270 of the Indian Penal Code. The third FIR was filed against Mr Bains for a report he did on 23 April where he had reported on private vehicles mysteriously crossing the sealed borders in Baddi subdivision on the night of 22 April. Mr Bains was once again booked under IPC Sections 188, 269 and 270 IPC and the FIR stated: “Press reporter Bains circulated

³³. Kashmiri Female Photojournalist Booked Under UAPA For 'Anti-national' Social Media Posts, Outlook, 20 April 2020, <https://www.outlookindia.com/website/story/india-news-kashmiri-female-photojournalist-booked-under-uapa-for-anti-national-social-media-posts/351127>

³⁴. J&K: FIR against journalist Gowhar Geelani for ‘unlawful activities’ on social media, Scroll.in, 21 April 2020, <https://scroll.in/latest/959871/j-k-fir-against-journalist-gowhar-geelani-for-unlawful-activities-on-social-media>



videos of the administration without any reason. He also violated lockdown guidelines.”³⁵

Case 11: FIR against journalist Somdev Sharma, Himachal Pradesh

On 16 May 2020, The *Indian Express* reported that Somdev Sharma, Manali-based correspondent for *Punjab Kesari*, was booked by the Himachal Pradesh police after he reported on the administration's laxity in quarantining inter-state travelers. Kullu Superintendent of Police Gaurav Singh stated that Sharma had falsely written in his report that a person entered the district illegally without a pass and hence created panic.³⁶

Case 12: FIR against reporter Rahul Zori, Maharashtra

On 16 May 2020, the Maharashtra Police booked Rahul Zori, a reporter with the news channel *TV9 Marathi*, for reporting on irregularities in the running of Hadakhed relief camp for migrants in Shirpur tehsil, Dhule district of Maharashtra. The FIR was filed at the police station in Shirpur town by tehsildar, Aaba Mahajan, who accused Zori of -defaming him by alleging corruption at the Hadakhed camp as well as of trying to obstruct official work by questioning him. Zori was booked under penal sections for obstructing a public servant from doing their duty, defamation, publishing matter that is known to be defamatory. Zori stood by his story.³⁷

³⁵. Himachal Pradesh's journalists face FIRs, harassment for reporting on government failures, Newslaundry, 2 May 2020, <https://www.newslaundry.com/2020/05/12/himachal-pradesh-journalists-face-firs-harassment-for-reporting-on-government-failures>

³⁶. 14 FIRs against five reporters in Himachal: Complaints claim 'fake news'; Disaster Management Act invoked, The Indian Express, 16 May 2020, <https://indianexpress.com/article/india/14-firs-five-reporters-himachal-fake-news-disaster-management-act-6412057/>

³⁷. 'It's just wrong': Maharashtra journalist booked for reporting on migrant relief camps, Newslaundry, 26 May 2020, <https://www.newslaundry.com/2020/05/26/its-just-wrong-maharashtra-journalist-booked-for-reporting-on-migrant-relief-camps>

Case 13: FIR against journalist Ravindra Saxena, Uttar Pradesh

On 18 May 2020, the Uttar Pradesh administration lodged an FIR against Ravindra Saxena, a journalist at Today-24 news portal for reporting on the mismanagement and negligence at a quarantine centre in Sitapur district. In a video report, Saxena spoke to people at a quarantine centre in Maholi tehsil of Sitapur district of eastern Uttar Pradesh, who alleged that they were served rotten rice. The district administration filed a case against him through a Scheduled Caste employee at the Sub Divisional Magistrate office accusing the journalist of violating the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and the Disaster Management Act.³⁸

Case 14: FIR against reporter Jai Singh Chibber, Punjab

On 20 May 2020, the Press Council of India sought a report from the Uttar Pradesh Government with respect to an FIR lodged against Shri Aashish Avasthi, editor, Media Break on publication of news item regarding problems being faced by Home Guards during Covid-19.³⁹

Case 15: FIR against reporter Jai Singh Chibber, Punjab

On 22 May 2020, a reporter from the *Punjabi Jagran* newspaper, Jai Singh Chibber, was booked by the Punjab Police for writing a news report about an unnamed Congress minister for following the suggestions of astrologers. The police registered a case against Chibber under Sections 188 and 505 of the IPC (disobeying a public official and making statements which incite the commission of an offence), and Section 67A of the IT Act (obscenity).⁴⁰

³⁸. UP: FIR Against Journalist for Report on Mismanagement at Quarantine Centre, The Wire, 18 May 2020, <https://thewire.in/media/up-fir-against-journalist-for-report-on-mismanagement-at-quarantine-centre>

³⁹. PCI takes suo-motu cognizance on filing an FIR against Editor, Media Break Newspaper/News portal, Kanpur, Uttar Pradesh, 20 May 2020, <http://presscouncil.nic.in/WriteReadData/Pdf/EnglishPressreleasetwenty.pdf>

⁴⁰. Punjab Police Beat Senior Journalist, Reporter Booked for Astrology Story on Minister, The Wire, 24 May 2020, <https://thewire.in/media/punjab-police-beat-seniorjournalist-reporter-booked-for-astrology-story-on-minister>



Case 16: FIR against journalist Tansen Tiwari, Madhya Pradesh

On 24 May 2020, Tansen Tiwari, a veteran journalist, was booked by the Madhya Pradesh Police for allegedly referring to Bharatiya Janata Party leaders as gappu (braggart) and tadipar (externed) in a social media post. The police registered the case after a local BJP leader and advocate, Awadesh Singh Bhadauria, reported the matter to the Gola Ka Mandir police station on his party's letterhead stating that on 22 May, 66-year-old journalist Tansen Tiwari wrote a post on Facebook which indirectly described Prime Minister Narendra Modi as 'gappu' and other party leaders as 'tadipar' and 'balatkari' (rapist). Tiwari's social media post, however, did not name any BJP leader. He was booked under IPC sections 294 (public acts of obscenity) and 500 (defamation) and section 67 of the Information Technology Act (publishing or transmitting obscene material in electronic form).⁴¹

Case 17: FIR against senior journalist Vinod Dua, Delhi

Mr Naveen Kumar, a political activist of the ruling party at the Centre filed a complaint against senior journalist Vinod Dua's YouTube show in which had talked about the riots that had happened in northeast district of Delhi. The complaint was filed more than 70 days after the webcast.⁴²

The police registered the FIR stated that Mr Dua, through his webcast, is spreading rumours and misinformation about the sensitive issue of the Delhi riots; and that his comments/remarks in the webcast contain communal overtones, which during the current COVID crisis, is causing public disaffection, which shall cause hatred and ill-will between different communities.

Mr Dua was granted anticipatory bail and he further filed an application for quashing of the FIR.

The Delhi High Court in its order has temporarily stayed the investigation against Vinod Dua holding that there's no prima facie case against Mr Dua to warrant the registration of FIR. Justice Anup Jairam Bhambhani noted that there is no allegation

⁴¹. Gwalior Police Register FIR Against Journalist for Calling BJP Leaders 'Gappu', 'Tadipar', The Wire, 28 May 2020, <https://thewire.in/media/gwalior-fir-journalist-bjp-leaders-gappu-tadipar>

⁴². See order of the Delhi High Court in W.P. (CRL.) No.895/2020 dated 10 June 2020



that any adverse consequences, in terms of enmity, hatred or ill-will, much less any violence or breach of peace, occurred as a consequence of the webcast.

While referring to the offence under sections 505(2) and 153A of the IPC, the court referred to the Supreme Court judgment in *Manzar Sayeed Khan vs. State of Maharashtra* which held that the gravamen of the offence of creating enmity between different communities, that there should be reference to a second community and the offence cannot proceed on the basis of an allegation where only one community has been mentioned.

The court further noted that naming the three persons in the webcast and questioning the police inaction against those persons, is based on what was recorded in the Division Bench order dated 26.02.2020 in W.P.(Crl.) No.565/2020; and therefore appears to fall within the exception to section 505, at least on first blush.

Case 18: Multiple FIRs against Republic TV Editor-in-Chief Arnab Goswami, Maharashtra and other states

On 24 April 2020, the Supreme Court granted 3-week protection to editor-in-chief of Republic TV Arnab Goswami against any coercive steps in connection with FIRs lodged against him in various states for alleged defamatory remarks on Congress chief Sonia Gandhi and the Palghar lynching which took place in Maharashtra. On 27 April, he was reportedly interrogated for over 12 hours at a police station. On 2 May 2020, the Mumbai Police lodged a fresh FIR against him for allegedly hurting religious sentiments by making derogatory remark regarding a mosque located in suburban Bandra.⁴³ The Supreme Court on 11 May 2020 extended the interim

⁴³. Arnab Goswami moves SC, seeks quashing of fresh FIR lodged against him in Mumbai, The New Indian Express, 5 May 2020, <https://www.newindianexpress.com/nation/2020/may/05/arnab-goswami-moves-sc-seeks-quashing-of-fresh-fir-lodged-against-him-in-mumbai-2139569.html>

protection from arrest granted to Goswami.⁴⁴ The Press Council of India intervened on the issue.⁴⁵

Case 19: FIR against Zee News TV Editor-in-Chief Sudhir Chaudhary, Kerala

On 7 May 2020, the Kerala Police filed an FIR against editor-in-chief of *Zee News* and prime-time show host of *Daily News And Analysis* (DNA) on Zee News, Sudhir Chaudhary under non-bailable sections for presenting a controversial programme that allegedly offended the Muslim religion. The FIR read, “On 11 March 2020, Zee News TV channel broadcast DNA programme. The accused presented a programme that is offending the Muslim religion.” In his prime time show on 11 March, Chaudhary presented a so-called “jihad chart” detailing different “types of jihad” in a flowchart.⁴⁶

3.3 Summons/show cause notices

Summons or show-cause notices were issued to seven journalists for publishing report showing members of the Musahar community (Dalit) eating grass to survive, alleged factual inaccuracies, alleged damage to the image of the administration or simply publishing official letter which stated that the PPES are not of the required quality, to disclose the source of information or explain role in the anti-CAA protests.

Case 1: Notice to journalist Vijay Vineet and editor-in-chief Subhash Rai, *Jansandesh Times*

On 26 March 2020, the Varanasi District Magistrate (DM), Kaushal Raj Sharma issued a notice to journalist Vijay Vineet and his editor-in-chief Subhash Rai after the

⁴⁴. Supreme Court extends interim protection from arrest granted to Arnab Goswami, The Indian Express, 12 May 2020, <https://indianexpress.com/article/india/arnab-goswami-fir-supreme-court-hearing-maharashtra-government-6404212/>

⁴⁵. Press Council of India takes Suo motu Cognizance on the alleged attack on Journalist Arnab Goswami –Calls for a Report from the Government of Maharashtra, 23 April 2020, <http://presscouncil.nic.in/WriteReadData/Pdf/PRESSRELEASEtwentythree.pdf>

⁴⁶. Zee News' Sudhir Chaudhary Booked for 'Jihad Chart' Episode, The Quint, 7 May 2020, <https://www.thequint.com/news/india/zee-news-sudhir-chaudhary-booked-by-kerala-police-for-jihad-chart-episode>



Jansandesh Times published a report claiming that members of the Musahar community (Dalit) were eating grass to survive at Koiripur village in Varanasi district ever since the lockdown was announced. The report was accompanied by photographs of children eating grass. In the notice, DM Kaushal Raj Sharma stated that he had got the matter investigated by an ADM-level officer and established that the report was fabricated one. He added that the Dalits were not eating grass but *ankari dal* (wild pulses) that grow along with wheat in the fields. But the journalist Vijay Vineet stood by his report.⁴⁷

Case 2: Notice to Peerzada Ashiq of *The Hindu* to explain the alleged factual inaccuracies

On 19 April 2020, senior journalist, Peerzada Ashiq, of *The Hindu* was summoned by the Cyber police headquarters in Srinagar to explain the alleged factual inaccuracies in a story that was published in *The Hindu* the same day. The Police termed the story published in *The Hindu* regarding an encounter between militants and security forces at Shopian as “fake news” and said, “The said news was published without seeking confirmation from the district authorities.” The senior journalist was later asked to travel to south Kashmir, some 40 km away, to present himself before a police officer in Anantnag district for further questioning.⁴⁸

Case 3: Notice to Neeraj Shivhare, *Bastar ki Aawaz*, for allegedly damaging the image of the administration

On 26 April 2020, the Chhattisgarh government issued a show-cause notice to Neeraj Shivhare, a journalist with *Bastar ki Aawaz*, for reporting on the plight of a woman who had to sell her household items to arrange food during the COVID-19 lockdown which the authorities said had “damaged the image of the administration”. The notice asked Neeraj Shivhare to appear before the authorities in Dantewada and provide an explanation for his article dated 25 April 2020. The article referred to in the notice

⁴⁷. Journalist behind story of Dalits eating grass in Varanasi district gets notice, *The Print*, 28 March 2020, <https://theprint.in/india/journalist-behind-story-of-starving-dalits-eating-grass-in-varanasi-district-gets-notice/390385/>

⁴⁸. Kashmir Press Club condemns case against photojournalist, seeks intervention of Amit Shah, *LG, Scroll.in*, 20 April 2020, <https://scroll.in/latest/959741/kashmir-press-club-condemns-case-against-photojournalist-seeks-intervention-of-amit-shah-lg>



pertained to an interview with a woman from Geedam who alleged that she was forced to sell household items including the fridge for Rs 2,000, to buy ration as the family had not received assistance from the administration during COVID-19 lockdown. The notice issued to the journalist stated, “Given that the whole country is facing the coronavirus pandemic, this kind of post spreads fear among the people and spoils the image of the administration,” and further threatened to file an FIR against him. The woman reportedly stood by the interview she had given to the Dantewada-based journalist.⁴⁹

Case 4: Summon to Manish Pandey of *News1 India* for publishing official letter stating that the PPES are not of the required quality

On 30 April 2020, Lucknow-based journalist Manish Pandey of *News1 India*, a Hindi news channel, was summoned (without serving a notice) to the Special Task Force headquarters in Lucknow, Uttar Pradesh, by assistant superintendent of police Vishal Vikram Singh. On 1 May, Singh interrogated Pandey for nearly an hour regarding the source who leaked an official letter published by Pandey. On 17 April, Pandey broke the story of a letter sent by the Directorate General of Medical Education and Training, Uttar Pradesh, to bureaucrats in the state’s medical education department on April 13. The letter said that the PPE kits supplied to eight hospitals and medical colleges in the state did not meet the required quality standards.⁵⁰

Case 5: Notice to Mahender Singh Manral, *The Indian Express*, to disclose the source of information

On 10 May 2020, the Delhi Police issued notice to *The Indian Express* journalist Mahender Singh Manral asking him to appear before it on the same day after he reported that the police had found that there was a possibility of an audio clip of leader of Tablighi Jamaan Maulana Saad may have been doctored. On 13 May, the Editors Guild of India criticised the Delhi Police for its highhandedness for threatening the

⁴⁹. Bastar journalist threatened with FIR for report that ‘damaged’ administration’s image, Scroll.in, 28 April 2020, <https://scroll.in/latest/960442/bastar-journalist-threatened-with-fir-for-report-that-damaged-administrations-image>

⁵⁰. UP journalist interrogated by police for story on low quality PPEs, News Laundry, 2 May 2020, <https://www.newslaundry.com/2020/05/02/up-journalist-interrogated-by-police-for-story-on-low-quality-ppes>

journalist with legal action if he did not join the probe. The Guild noted it with “concern” as part of a “growing pattern of misuse of criminal laws to intimidate journalists in different parts of the country”.⁵¹ *“While Manral wasn’t charged under any law, he was threatened that failure to join the probe could result in legal action under Section 174 of the IPC with punishment of a prison term and fine. This appears to be a little more than a fishing expedition to try and extract the journalist’s source and, thus, warn other reporters.”*- the Guild stated. The Press Council of India also intervened on the issue.⁵²

Case 6: Summon to Manash Jyoti Baruah to explain role in the anti-CAA protests

On 15 May 2020, the National Investigation Agency (NIA) summoned Guwahati-based journalist Manash Jyoti Baruah at its Sonapur office in Guwahati in Assam⁵³ and interrogated him for about five hours on his role in the anti-Citizenship (Amendment) Act in December 2019 and his relationship with peasant leader Akhil Gogoi who was arrested by the NIA. The Guwahati Press Club (GPC) has written to the NIA expressing concern at the way journalists were being questioned without getting formal notices. Mr Baruah was summoned via a phone call and without serving a formal notice.⁵⁴

⁵¹. Editors Guild says Delhi Police questioning Express journalist is misuse of criminal laws to intimidate, The Indian Express, 14 May 2020,

<https://indianexpress.com/article/india/editors-guild-tablighi-express-journalist-delhi-police-6408139/>

⁵². PCI takes suo-motu cognizance for probing against the Special Correspondent, Indian Express, 15.05.2020,

<http://presscouncil.nic.in/WriteReadData/Pdf/PressReleasesuomotumay.pdf>

⁵³. NIA summons Assam journalist over violence related to CAA last year , The New Indian Express, 14 May 2020, <https://www.newindianexpress.com/nation/2020/may/14/nia-summons-assam-journalist-over-violence-related-to-caa-last-year-2143421.html>

⁵⁴. Guwahati Press Club writes to NIA over inquiry into journo’s role in anti-CAA stir, The Federal, 20 May 2020, <https://thefederal.com/states/north-east/guwahati-press-club-writes-to-nia-over-inquiry-into-journos-role-in-anti-cao-stir/>

3.4 Physical attacks or threats

At least nine journalists were subjected to beating, including two in police custody. While one journalist was held hostage by the Sarpanch of the Village in Odhisa, the house of another journalist was allegedly demolished because of his report on the ruling party MLA. A female journalist was threatened simply publishing a story "Wildlife hunting on spike" during the lockdown.

Case 1: Beating of TV journalist Uttkarsh Chaturvedi, Maharashtra

On 25 March 2020, Uttkarsh Chaturvedi, Deputy News Editor with *ET Now*, a leading business news channel, alleged that he was beaten up by policemen while reporting on lockdown in Thane district, Maharashtra. The victim claimed he was beaten with sticks despite showing his press card. The incident came to light after he brought the ordeal to the notice of police and State chief minister through social media.⁵⁵

Case 2: Custodial torture of journalist Mushtaq Ahmad Ganai, Jammu & Kashmir

On 11 April 2020, Mushtaq Ahmad Ganai (34 years), a journalist working for the *Kashmir Observer*, was arrested and detained for two days at Sumbal police station in Bandipore district of Jammu and Kashmir when he went there in his Alto car to report the possible violation of the lockdown. The police intercepted his car despite showing documents including his press card. At the police station, the Station House Officer (SHO) Muneeb-ul-Islam slapped him several times and another policeman accompanying the SHO beat him with his lathi. The police filed an FIR and booked him under charges which included "violating the lockdown rules" and "interfering in the professional work of the officials". The SHO also threatened to "fix" him. He was released only after securing bail from the court.⁵⁶

⁵⁵. TV journalist beaten up by cops during reporting on lockdown, The Daily Pioneer, 26 March 2020, <https://www.dailypioneer.com/2020/india/tv-journalist-beaten-up-by-cops-during-reporting-on-lockdown.html>

⁵⁶. Kashmir journalists continue to be harassed, summoned and intimidated, The Federal, 21 April 2020, <https://thefederal.com/states/north/jammu-and-kashmir/kashmir-journalists-continue-to-be-harassed-summoned-and-intimidated/>

Case 3: Beating of freelance journalist Gowhar Ali Wani, Jammu & Kashmir

On 15 April 2020, Gowhar Ali Wani (21 years), a freelance journalist alleged that the police beat him up and arrested his father in Handwara in Jammu & Kashmir. The journalist claimed he had opposed the usage of disgusting language by the Station House Officer of Villagam police station, following which two policemen in civvies came to his house and asked him to come with them. When he asked the reason, they slapped him and assaulted.⁵⁷

Case 4: Custodial torture of reporter Samrat Pradhan, Karnataka

On 20 April 2020, Samrat Pradhan (25 years), a business correspondent of a magazine and his cousin Amit Kar (25 years), working in a hotel were allegedly tortured at Hennur police station in Bangalore, Karnataka. They had stepped out to buy medicines and groceries when they were taken to the police station and allegedly tortured for over 15 hours.⁵⁸

Case 5: Beating of journalist Subrat Kumar Swain, Odisha

On 22 April 2020, Subrat Kumar Swain, correspondent with *Odia daily Sambad* was allegedly beaten up by a police sub-inspector identified as Ashutosh Mohanty while he was taking his ailing child to a hospital in Keonjhar district, Odisha.⁵⁹

Case 6: Attack on two journalists, Odisha

On 3 May 2020, two media persons were attacked by a Forest Guard near Balukhand-Konark Wildlife Sanctuary in Puri district of Odisha. A reporter and a cameraperson of

⁵⁷. Handwara scribe accuses police of assault, father detained, The Kashmir Wallah, 15 April 2020, <https://thekashmirwalla.com/2020/04/handwara-scribe-accuses-police-of-assault-father-detained/>

⁵⁸. Two NE residents 'tortured' in police station for 15 hours, 22 April 2020, <https://bangaloremirror.indiatimes.com/bangalore/crime/two-ne-residents-tortured-in-police-station-for-15-hours/articleshowprint/75282066.cms?prtpage=1>

⁵⁹. Odisha journalist taking sick son to hospital assaulted by cop for flouting lockdown, The Hindustan Times, 23 April 2020, <https://www.hindustantimes.com/india-news/odisha-journalist-taking-sick-son-to-hospital-assaulted-by-cop-for-flouting-lockdown/story-85O55zHwPDCdsbqWFtO1GK.html>



Kanak News had gone near the sanctuary for documenting a report related to cyclone FANI when the attack took place.⁶⁰ Two Forest officials identified as Forester Tapan Nayak and Forest Guard Biraja Mohapatra were suspended.⁶¹

Case 7: Beating of journalist Prasanjit Dutta, Nagaland

As stated under *Section 2.2 Torture, arrest and detention*, on 8 May 2020, *Nagaland Page* journalist Prasanjit Dutta was assaulted by a Government Railway Police (GRP) official while he was returning home from work near Dimapur Railway Station in Nagaland. According to Dutta, the GRP official asked if Dutta was a Muslim and when he said he was a Bengali, the official slapped him again and said Nagaland was not his state and if wanted to spread the virus, he (Dutta) should go to his own state. After the accused official apologized to Dutta, the Dimapur-based newspaper *Nagaland Page* withdrew its complaint against the official.⁶²

Case 8: Brutal beating of journalist Major Singh Punjabi, Punjab

On 22 May 2020, Major Singh Punjabi, a journalist with the *Rozana Pehredar* newspaper was mercilessly beaten by the two assistant sub inspectors (ASIs) of the Mohali police station phase-1 at Gurdwara Kalgidhar Sahib Singh Sabha situated in Phase-4, Mohali in Punjab when he went to cover the meeting of two groups. Despite giving his identity as a journalist, the policemen forcibly pushed him in a private vehicle bearing a Haryana number and took him to the phase-1 police station at Mohali. "Before, I could even step out of the vehicle, ASI Om Prakash started beating me with a stick. The duo dragged me to the lockup, where I was not only tortured, abused and humiliated but they also pushed away my turban. My repeated pleas not to touch my turban went unheard and they even threw my 'kangha' (wooden comb for

⁶⁰. Forest Guard Attacks Journalists In Odisha, Breaks Camera, Sambad, 3 May 2020, <https://sambadenglish.com/forest-guard-attacks-journalists-in-odisha-breaks-camera/>

⁶¹. Journalist, Camera Crew Attacked By Forest Employees In Puri, 2 Suspended, 4 May 2020 <https://odishatv.in/odisha/journalist-camera-crew-attacked-by-forest-employees-in-puri-2-suspended-448966>

⁶². Nagaland newspaper withdraws FIR against police officer for assaulting journalist after apology, Scroll.in, 10 May 2020, <https://scroll.in/latest/961530/nagaland-newspaper-withdraws-fir-against-police-officer-for-assaulting-journalist-after-apology>



the hair, part of the five symbols of Sikhism),” Major Singh said. He was admitted at Civil Hospital, Mohali.⁶³

Case 9: Journalist's house demolished by Municipal Corporation, Telangana

On 22 May 2020, an under-construction house of Paramesh, a journalist working with Telugu news channel *V6*, was allegedly demolished by the Narayankhed Municipal Commission in retaliation for his reportage of an MLA's violation of lockdown rules by celebrating his birthday with over 500 supporters in Telangana. He had reported on the birthday celebrations of Telangana Rashtra Samiti (TRS) MLA Mahareddy Bhupal Reddy which violated lockdown rules by involving a large number of people.⁶⁴

Case 10: Journalist Mahadev held hostage by village head, Odisha

On 23 May 2020, a journalist identified as Mahadev Nayak was held hostage at a temporary medical centre (TMC), a quarantine centre for COVID-19 at Korua panchayat under Naugaon block in Jagatsinghpur district of Odisha. He had published reports in his newspaper of how the sarpanch Aranya Nayak in quarantine was provided food and clothes by his family every day in violation of COVID-19 guidelines. When Mahadev reached the spot, the Sarpanch allegedly snatched his mobile phone, gold chain and cash of Rs 10,000 from him and asked the returnees in the TMC to hold him hostage. The journalist was rescued by the officials after six hours and had to be sent to another quarantine facility at Alanahat village under the same block as he had come in contacts with the returnees.⁶⁵

⁶³. Punjab Police Beat Senior Journalist, Reporter Booked for Astrology Story on Minister, The Wire, 24 May 2020, <https://thewire.in/media/punjab-police-beat-seniorjournalist-reporter-booked-for-astrology-story-on-minister>

⁶⁴. Telangana: Home Demolished for Reporting on MLA's Birthday Party, Alleges Journalist, The Wire, 23 May 2020, <https://thewire.in/media/telangana-journalist-home-demolished-mla-birthday-party>

⁶⁵. Sarpanch holds scribe hostage for reporting 'facts' in Odisha, The New Indian Express, 24 May 2020, <https://www.newindianexpress.com/states/odisha/2020/may/24/sarpanch-holds-scribe-hostage-for-reporting-facts-2147338.html>



Case 11: Threat to Ms Tonga Mrina, Arunachal Times

Ms Tonga Mrina, Editor Arunachal Times received several online threats after publishing a story "*Wildlife hunting on spike, say forest officials*" on 19 April 2020. On 19 May 2020, Press Council of India expressed and sought a report from the Government of Arunachal Pradesh.⁶⁶

4. Conclusion

The Government of India remains responsible to create necessary conditions for press freedom. However, when the Government of India seeks to silence the media under the garb of curbing fake news, it cannot claim to be promoting the freedom of opinion and expression but legalise the very attempt to force the media to toe its line. This has rippling effects as reflected from the number of FIRs registered by the police across the country during the lockdown.

The ruling political parties at the Centre as well as at the State level have also been taking measures to force the media to toe their lines. The police have been too compliant to register FIRs filed by the ruling parties. Lately, the activists of the opposition party at the Centre have also been filing similar complaints against the journalists with the police.

The crackdown during the COVID-19 lockdown shows the fragile atmosphere under which the media is operating in India.

The Press Council of India (PCI), the statutory body empowered to protect the rights of journalists, intervened *suo motu* in four cases during the period i.e. FIRs against Republic TV, FIR against Editors of Media Break Newspaper, online threat to The Editor of Arunachal Times and the threat of criminal prosecution and questioning of a Special Correspondent of the Indian Express by the Delhi Police. However, these interventions of the PCI are highly inadequate and media remains at serious risks in India.[End]

⁶⁶. PCI takes suo-motu cognizance w.r.t. online threat to Associate Editor of Arunachal Times, 19.05.2020, <http://presscouncil.nic.in/WriteReadData/Pdf/PRCaseNo.pdf>